

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,6,8,9,13,24 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dell in view of Takada and Golz. O'Dell shows the claimed strap with the exception of the heat-shrunk elongation member and the outer sheath and elongation member being secured together substantially along the entire length of the elongation member. Takada, in the background of the invention, teaches the use of a heat-shrunk elongation member as a shock absorbing strap. Golz teaches the securing of an outer sheath and elongation member together substantially along the entire length of the elongation member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the elongation member of O'Dell to be heat-shrunk, as taught by Takada, for its known advantage, and to be secured together, as taught by Golz, to facilitate construction. Furthermore, the strap O'Dell, as modified to comprise heat shrinkable elongation material would be capable of being formed by the claimed process.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dell and Takada, as applied to claims 1 and 8 above, and further in view of Piper, Chang et al or Silverberg. Piper, Chang and Silverberg teach the use of binder yarns as a connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide binder yarns to O'Dell, as taught by Piper, Chang or Silverberg, as a connecting means for their elongation members to their outer sheaths.

Claims 1,2,,6,8,9,13,24 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dell in view of Golz and Driskell et al. O'Dell shows the claimed strap with the exception of the elongation member being secured to the outer sheath substantially along the entire length of the elongation member and being heat shrunk. Golz teaches the securing of an outer sheath and elongation member together substantially along the entire length of the elongation member. Driskell teaches the method of forming gathers in a member by the process of heat-shrinking both an elongation member and the attached member wherein the elongation member is of a material that shrinks greater than the member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to secure the sheath and elongation member of O'Dell, as taught by Golz, to

facilitate construction, and to shrink the elongation members of O'Dell by the application of heat, as taught by Driskell, to form gathers in his outer sheath.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Dell, Golz and Driskell, as applied to claims 1 and 8 above, and further in view of Piper, Chang et al or Silverberg. Piper, Chang and Silverberg teach the use of binder yarns as a connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide binder yarns to O'Dell, as taught by Piper, Chang or Silverberg, as a connecting means for his elongation member to his outer sheath.

Claims 1,2,6,8,9,13,24 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golz in view of Takada and O'Dell. Golz shows the claimed strap with the exception of the heat-shrunk elongation member and the hardware attachment portions. Takada, in the background of the invention, teaches the use of a heat-shrunk elongation member as a shock absorbing strap. O'Dell shows hardware attachment portions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Golz to comprise heat-shrunk elongation member, as taught by Takada, for its known advantage, and to attachment portions, as taught by O'Dell, to attach hardware

thereto. Furthermore, the strap Golz, as modified to comprise heat shrinkable elongation material would be capable of being form by the claimed process.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golz, O'Dell and Takada, as applied to claims 1 and 8 above, and further in view of Piper, Chang et al or Silverberg. Piper, Chang and Silverberg teach the use of binder yarns as a connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide binder yarns to Golz, as taught by Piper, Chang or Silverberg, as a connecting means for his elongation member to his outer sheath.

Claims 1,2,,6,8,9,13,24 and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golz in view of O'Dell and Driskell et al. Golz shows the claimed strap with the exception of the hardware attachment portions and being heat shrunken. O'Dell shows hardware attachment portions. Driskell teaches the method of forming gathers in a member by the process of heat-shrinking both an elongation member and the attached member wherein the elongation member is of a material that shrinks greater than the member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide attachment portions to Golz, as taught by O'Dell, to enable attachment of hardware thereto,

and to shrink the elongation members of Golz by the application of heat, as taught by Driskell, to form gathers in his outer sheath.

Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golz, O'Dell and Driskell, as applied to claims 1 and 8 above, and further in view of Piper, Chang et al or Silverberg. Piper, Chang and Silverberg teach the use of binder yarns as a connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide binder yarns to Golz, as taught by Piper, Chang or Silverberg, as a connecting means for his elongation member to his outer sheath.

Applicant's arguments with respect to claims 1,2,6,8,9,12,24,26-37 have been have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634

ACS

/Alvin C. Chin-Shue/  
Primary Examiner, Art Unit 3634